Attorney Docket No: IDF 1616 (4000-04200)   *Patent*

REMARKS/ARGUMENTS

Status of Claims

Claims 1-23 are currently pending in this application.

Request for Reconsideration and Withdrawal of Finality of Office Action

Applicants respectfully request that the Examiner reconsider and withdraw the finality of the office action mailed January 25, 2005, in which the Examiner relied upon new art not previously of record. MPEP 706.07(a) clearly states that a final rejection in this instance is improper (emphasis added):

> A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, **on prior art not of record**, of any claim amended to include limitations which should reasonably have been expected to be claimed. See MPEP 904 et seq. For example, one would reasonably expect that a **rejection under 35 U.S.C. 112** for the reason of incompleteness would be replied to by an amendment supplying the omitted element.

As set forth in MPEP 706.07(a), the Examiner now relies on U.S. Pat. No. 6,377,993, which is new prior art not previously of record. As further set forth in MPEP 706.07(a), Applicants' claim amendments set forth in the September 2, 2004 Response were in response to nonsubstantive, 35 U.S.C. 112 rejections, which the Examiner should reasonably have expected. Therefore, Applicants respectfully request reconsideration and withdrawal of the finality of the office action as required by MPEP 706.07(a). In the event that the Examiner elects to maintain the finality of the rejection, Applicants respectfully request supervisory confirmation of such decision and a reasoned statement as to the basis for maintaining finality.

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The prior art of record does not teach a distributed system

As pointed out in the September 2, 2004 Response, the prior art of record does not teach or suggest Applicants' *distributed* ETL architecture. More specifically, independent claim 1 recites that the extracting, transforming, and wrapping steps may be executed simultaneously for a plurality of information sources distributed across the computing environment. In paragraph 32(C) of the January 25, 2005 Office Action, the Examiner states that "column 4 lines 1-8 Brandt discloses in detail data records (BDR) that are extracted from one or more telecommunication network switch mechanisms, implying that BDR are extracted from one or more information sources." Applicants respectfully submit that a careful review of *Brandt* reveals that the Examiner's reading of the reference is incorrect.

Column 4, lines 1-8 of *Brandt* read as follows:

A device for **receiving** customer's raw telecommunications call detail data

records from one or more telecommunications network switch mechanisms and

extracting certain call detail records for predetermined customers (emphasis

added).

As clearly set forth in this passage, the device first receives the call detail records from the switch to form a consolidated data set. In other words, the switches send data to a common device, resulting in consolidation of the data into a single data set. After consolidation of the data into a single data set, certain records for predetermined customers are then extracted from the consolidated data set. In other words, *Brandt* does not extract data a plurality of information sources distributed across the computing environment but rather extracts information from a single device after the data has been received from the switches.

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Applicants' reading of *Brandt* is further supported by Fig. 8 and col. 15, line 51 – col. 18, line 33, where more detail is provided about the extract function of *Brandt*. Specifically, Fig. 8 shows switches 402 sending switch records to call processing 405, which (among other functions) validates and prices the raw call detail records (CDRs) to form raw billing detail records (BDRs). The raw BDRs are sorted by product and division runstream files (e.g., NCBS VNET 410, NCBS Vision 410, Tollfree 420, etc.). "The various divisional/runstream files may be <u>consolidated</u> in each CDG extract process, to generate a <u>**single**</u> extracted daily file 523 per division in a data center." See col. 16, lines 41-43 (emphasis added). "Next, as indicated at step 523, the raw billing detail records are input from the runstreams, e.g. Tollfree, and a reconciliation is performed at step 528 to ensure that <u>**all**</u> BDR records from the runstreams are received files for the current customer list. <u>**Then,**</u> as indicated at step 530, the <u>**extract process**</u> is performed for the BDR datasets as they become available from the run streams." See col. 17, lines 7-13 (emphasis added). This detailed discussion of the extract function 500 of Brandt makes clear that data is extracted from a single, consolidated data source rather than <u>**a plurality of information sources distributed across the computing environment**</u> as recited in independent claim 1, and claims 2-22 depending there from. Thus, Applicants respectfully submit that claims 1-22 are patentable over the art of record. Should the Examiner agree, Applicants are willing to amend independent claim 23 to likewise recite a plurality of information sources distributed across the computing environment to place claim 23 in allowable form.

Preservation of rights

For simplicity and ease of understanding, Applicants have focused this response on the "big picture" missing limitation regarding Applicants' distributed ETL architecture. However,

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such focus should not be interpreted as a concession or implied admission that the combination of *Brandt* and *Yee* is proper, or that such combination discloses all remaining claim limitations. Applicants reserve the right to argue additional distinctions over the prior art as appropriate in subsequent prosecution, including but not limited to, the Examiner's application of the prior art to elements (c) – (g) of claim 1 as set forth in paragraphs 32(A)-(B) of the January 25, 2005 Office Action.

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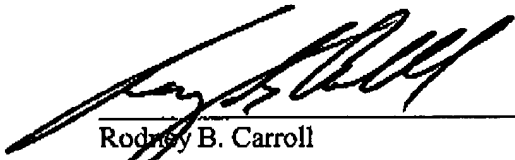## CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated January 25, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

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Date: __3-11-05__

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